

SECOND DAY

(Thursday, June 22, 1989)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Leedom.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

God of Peace and Lord of all that we are and can be, we offer now our thanks for these who come together again to deal with the serious and complex issues of government. May each member continue to be diligent in their responsibilities as they strive to finish the job. For the freedom of choice and debate we give thanks and my prayer is that in this place these privileges will forever be firmly in place.

In our Lord's name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Leedom was granted leave of absence for today on account of important business on motion of Senator Sims.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 2 by Haley State Affairs
Directing the State Department of Highways and Public Transportation, in cooperation with the Texas Historical Commission, to identify the present-day disposition of the old San Antonio Road.

S.C.R. 3 by Barrientos Jurisprudence
Granting Jimmy Franklin Kaylor and William H. Main permission to sue the State of Texas and the Texas Air Control Board.

S.C.R. 4 by Henderson Jurisprudence
Granting John R. Phenix and Associates, Inc., permission to sue the State of Texas and the University of Houston System.

S.C.R. 5 by Henderson Jurisprudence
Granting Glenn H. Johnson, John W. Neale and Roberto M. Pensotti permission to sue the State of Texas and the Parks and Wildlife Department.

S.B. 21 by Ratliff Intergovernmental Relations
Relating to the Gregg County Juvenile Board.

S.B. 22 by Dickson Health and Human Services
Relating to the effective date of the legislation authorizing the creation of the San Saba County Hospital District.

S.B. 23 by Lyon Natural Resources
Relating to the creation, administration, and powers, including the power of eminent domain subject to limitations, and to the duties, operations, and financing of Collin County Water Authority, and to the creation therein of subdistricts with the power to levy and collect ad valorem taxes within the subdistricts; relating to the power of the county and of municipalities, other political subdivisions, and nonprofit water supply corporations to enter into and give security for contracts with the authority.

S.B. 24 by McFarland Economic Development
Relating to defining interest as excluding certain sums and values related to certain debt obligations and certificates of beneficial ownership.

S.B. 25 by Zaffirini Criminal Justice
Relating to the polygraph examination of a complainant of a violent offense.

S.B. 26 by Barrientos Finance
Relating to an emergency appropriation to the state Commission on Human Rights.

MESSAGE FROM THE HOUSE

House Chamber
June 22, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 1, Honoring the Reverend Dr. John Carlton Gilbert.

H.C.R. 3, Recognizing the Ezekiel Airship as the first successful self-powered aircraft.

Respectfully,
BETTY MURRAY, Chief Clerk
House of Representatives

RESOLUTION SIGNED

The President announced the signing, in the presence of the Senate, the following enrolled resolution:

H.C.R. 4

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
June 22, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
FIRST CALLED SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BATTLESHIP TEXAS ADVISORY BOARD: For a term to expire February 1, 1995: MR. CHARLES A. ALCORN of Houston, Harris County, is replacing Mary Burke of Houston, whose term expired.

TO BE A MEMBER OF THE TEXAS GUARANTEED STUDENT LOAN CORPORATION: For a term to expire January 31, 1991: MR. COMER ALDEN of San Antonio, Bexar County, will be filling the unexpired term of Dr. Robert L. Hardesty of Austin, who is no longer eligible to serve.

TO BE A MEMBER OF THE NUECES RIVER AUTHORITY BOARD OF DIRECTORS: For a term to expire February 1, 1993: MR. WAYNE J. BALDWIN of Sandia, Jim Wells County, will be filling the unexpired term of Asa Beach, Jr., of Alice, who is now ineligible to serve.

TO BE A MEMBER OF THE SULPHUR RIVER BASIN AUTHORITY BOARD OF DIRECTORS: For a term to expire February 1, 1995: MR. DAVID BAUCOM of Sulphur Springs, Hopkins County, is replacing Walter Helm of Sulphur Springs, whose term expired.

TO BE A MEMBER OF THE BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES: For a term to expire January 31, 1995: MR. JAMES SMITH BOWIE of Houston, Harris County, is replacing Roland M. Searcy, Jr., of Bryan, whose term expired.

TO BE A MEMBER OF THE LOWER COLORADO RIVER AUTHORITY BOARD OF DIRECTORS: For a term to expire February 1, 1991: MR. ROY E. BUCEK of Schulenburg, Fayette County, will be filling the unexpired term of Jack Littlejohn of Carmine, who resigned.

TO BE A MEMBER OF THE TEXAS MOTOR VEHICLE COMMISSION: For a term to expire January 31, 1993: MR. LEONARD E. BURTON of Irving, Dallas County, will be filling the unexpired term of Paul Adams Rush of San Antonio, who resigned.

TO BE A MEMBER OF THE TEXAS GROWTH FUND BOARD OF TRUSTEES: For a term to expire February 1, 1993: MR. H. SCOTT CAVEN of Houston, Harris County, is being appointed to a new position pursuant to Article XVI, Section 70, Texas Constitution.

TO BE A MEMBER OF THE TRINITY RIVER AUTHORITY BOARD OF DIRECTORS: For a term to expire March 15, 1995: MR. JACK A. COLEMAN, JR., of Palestine, Anderson County, is replacing Helen Marie Hooper of Palestine, whose term expired.

TO BE A MEMBER OF THE TEXAS SOUTHERN UNIVERSITY BOARD OF REGENTS: For a term to expire February 1, 1995: MR. WALTER H. CRINER of Houston, Harris County, is replacing Arthur M. Gaines, Jr., of Houston, whose term expired.

TO BE A MEMBER OF THE TEXAS STATE BOARD OF PHYSICAL THERAPY EXAMINERS: For a term to expire January 31, 1995: MRS. LILA C. CROSS of Boerne, Kendall County, is replacing Betty M. Schocke of Texas City, whose term expired.

TO BE A MEMBER OF THE TEXAS ADVISORY BOARD OF OCCUPATIONAL THERAPY: For a term to expire February 1, 1995: MRS. FRANCES DERRICK of Mesquite, Dallas County, is replacing Arthur H. Dilly of Austin, whose term expired.

TO BE A MEMBER OF THE TEXAS BOARD OF MENTAL HEALTH AND MENTAL RETARDATION: For a term to expire January 31, 1991: MR.

JACK TAYLOR DULWORTH of Houston, Harris County, will be filling the unexpired term of Drayton McLane, Jr., of Temple, who resigned.

TO BE A MEMBER OF THE TEXAS NATIONAL GUARD ARMORY BOARD: For a term to expire April 30, 1995: MR. VICTOR C. EISSLER of Fredericksburg, Gillespie County, is being reappointed.

TO BE A MEMBER OF THE SULPHUR RIVER BASIN AUTHORITY BOARD OF DIRECTORS: For a term to expire February 1, 1995: MR. CURTIS R. FENDLEY of Paris, Lamar County, is replacing David Glass of Paris, whose term expired.

TO BE A MEMBER OF THE BRAZOS RIVER AUTHORITY BOARD OF DIRECTORS: For a term to expire February 1, 1995: MR. RAMIRO A. GALINDO of Bryan, Brazos County, is replacing Henry J. Boehm, Sr., of Brenham, whose term expired.

TO BE A MEMBER OF THE TEXAS BOARD OF PHYSICAL THERAPY EXAMINERS: For a term to expire January 31, 1995: MR. JOE H. GOLMAN of Dallas, Dallas County, is replacing Robert Hawkins of Waco, whose term expired.

TO BE A MEMBER OF THE TEXAS STATE BOARD OF PHYSICAL THERAPY EXAMINERS: For a term to expire January 31, 1995: MRS. DORENE P. GOODSON of Arlington, Tarrant County, is replacing Vernon Wilson, Jr., of Houston, whose term expired.

TO BE JUDGE OF THE 355TH JUDICIAL DISTRICT COURT, HOOD COUNTY: UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED: MR. DAN B. GRISSOM of Granbury, Hood County, is replacing Judge Ralph Walton, Jr., of Granbury, who resigned, effective June 6, 1989.

TO BE A MEMBER OF THE TEXAS GROWTH FUND BOARD OF TRUSTEES: For a term to expire February 1, 1993: MR. RICHARD J. HANSCHEN of Dallas, Dallas County, is being appointed to a new position pursuant to Article XVI, Section 70, Texas Constitution.

TO BE A MEMBER OF THE TEXAS PARKS AND WILDLIFE COMMISSION BOARD FOR LEASE: For a term to expire September 1, 1989: MR. GEORGE C. (TIM) HIXON of San Antonio, Bexar County, will be filling the unexpired term of Charles Durham Nash, Jr., of San Marcos, who will now be serving on the board in his position as Chairman of the Texas Parks and Wildlife Commission.

TO BE A MEMBER OF THE POLYGRAPH EXAMINERS BOARD: For a term to expire June 18, 1995: MR. ED HODGES of Dallas, Dallas County, will be replacing Vern L. Thrower of Houston, whose term expired.

TO BE A MEMBER OF THE TRINITY RIVER AUTHORITY BOARD OF DIRECTORS: For a term to expire March 15, 1995: MR. WILLIAM L. HUTCHISON of Dallas, Dallas County, is replacing Dr. Charles A. Hunter of Dallas, whose term expired.

TO BE A MEMBER OF THE TEXAS SURPLUS PROPERTY AGENCY: For a term to expire March 19, 1995: MR. ROBERT A. LANSFORD of Austin, Travis County, is being reappointed.

TO BE JUDGE OF THE 280TH JUDICIAL DISTRICT COURT, HARRIS COUNTY: UNTIL THE NEXT GENERAL ELECTION AND UNTIL HER SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED: MRS. TONITA

(TONY) DAVIS LINDSAY of Spring, Harris County, is replacing Judge Melinda Harmon of Houston, who resigned.

TO BE A MEMBER OF THE STATE BOARD OF NURSE EXAMINERS: For a term to expire January 31, 1995: MR. MORRIS H. PARRISH of Irving, Dallas County, is replacing Mary Elizabeth Jackson of Tyler, whose term expired.

TO BE A MEMBER OF THE GOVERNING BOARD OF THE TEXAS SCHOOL FOR THE BLIND: For a term to expire January 31, 1995: MR. CHRIS D. PRENTICE of Austin, Travis County, is replacing Robert D. Tindle of Austin, whose term expired.

TO BE A MEMBER OF THE SULPHUR RIVER BASIN AUTHORITY BOARD OF DIRECTORS: For a term to expire February 1, 1993: MRS. KATHERINE CLYDE RAMSAY of Mt. Vernon, Franklin County, will be filling the unexpired term of Jim Garza of Mt. Pleasant, who resigned.

TO BE A MEMBER OF THE TRINITY RIVER AUTHORITY BOARD OF DIRECTORS: For a term to expire March 15, 1995: MR. H. GENE REYNOLDS, JR., of Fairfield, Freestone County, will be replacing Francis Suel Hill of Fairfield, whose term expired.

TO BE A MEMBER OF THE TEXAS GROWTH FUND BOARD OF TRUSTEES: For a term to expire February 1, 1991: MR. A. W. RITER, JR., of Tyler, Smith County, is being appointed to a new position pursuant to Article XVI, Section 70, Texas Constitution.

TO BE A MEMBER OF THE ADVISORY BOARD OF ATHLETIC TRAINERS: For a term to expire January 31, 1995: MR. MICHAEL DANIEL SALY of Conroe, Montgomery County, is replacing Cynthia L. Raines of El Paso, whose term expired.

TO BE A MEMBER OF THE STATE BOARD OF BARBER EXAMINERS: For a term to expire January 31, 1995: MS. HELEN SPEARS of Dallas, Dallas County, is being reappointed.

TO BE A MEMBER OF THE TEXAS DIABETES COUNCIL: For a term to expire February 1, 1991: DR. MICHAEL P. STERN of San Antonio, Bexar County, is being reappointed.

TO BE A MEMBER OF THE TEXAS OPTOMETRY BOARD: For a term to expire January 31, 1995: DR. ELZIE MAC WRIGHT of Seminole, Gaines County, is replacing Dr. Gene B. Blackwell of Childress, whose term expired.

TO BE A MEMBER OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS: For a term to expire January 31, 1995: MR. JERRY E. YANCEY of Plano, Collin County, is replacing Anne P. Dickson of Dallas, whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

GUESTS PRESENTED

Senator Barrientos was recognized to present the participants of a school dropout program, Youth Opportunities Unlimited.

The Senate welcomed these young people and expressed congratulations to them for their achievements.

RECESS

On motion of Senator Brooks, the Senate at 10:07 a.m. took recess until 3:00 p.m. today.

AFTER RECESS

The Senate met at 3:00 p.m. and was called to order by the President.

RECESS

On motion of Senator Glasgow, the Senate at 3:02 p.m. took recess until 5:00 p.m. today.

AFTER RECESS

The Senate met at 5:00 p.m. and was called to order by the President.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
June 22, 1989

41-2298

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
SEVENTY-FIRST LEGISLATURE IN FIRST CALLED SESSION:

Pursuant to Article III, Section 40 and Article IV, Section 8 of the Texas Constitution, I, William P. Clements, Jr., Governor of Texas, do hereby submit the following matter for consideration by the Seventy-first Texas Legislature in its First Called Session:

(1) legislation providing for enrollment of freshman and sophomore students at the University of Texas at Dallas.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State to be affixed hereto at Austin, this 22nd day of June, 1989.

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

ATTEST:

/s/George S. Bayoud, Jr.
George S. Bayoud, Jr.
Secretary of State

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
June 22, 1989

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

S.C.R. 10 by Brooks **Jurisprudence**
Granting Harris County Hospital District permission to sue the State of Texas and the Alief Independent School District Insurance Fund.

S.B. 27 by Zaffirini Education
Relating to filling a vacancy on the board of trustees of a junior college district.

S.B. 28 by Uribe Natural Resources
Relating to the creation of fish and marine habitat in the area in Cameron County known as Bahia Grande.

S.B. 29 by Zaffirini Criminal Justice
Relating to a requirement that persons placed on probation and persons released on parole or mandatory supervision submit to testing for controlled substances.

S.B. 30 by Zaffirini, Sims, Brown, Criminal Justice
Dickson, Lyon, Tejeda
Relating to the punishment for certain offenses committed against a child during a ritual or ceremony.

S.B. 31 by Zaffirini, Santiesteban, Health and Human Services
Brooks, Tejeda, Lyon
Relating to services to children, youth, and their families provided by the Texas Youth Commission and juvenile boards.

S.B. 32 by Zaffirini Criminal Justice
Relating to the availability of jury-recommended probation for certain persons convicted of the offense of delivery of a controlled substance to a minor.

S.B. 33 by Zaffirini Jurisprudence
Relating to children who engage in delinquent conduct or conduct indicating a need for supervision and the families of those children.

S.B. 34 by Glasgow Finance
Amending taxes on cigarettes and tobacco.

S.B. 35 by Harris, Johnson, Edwards Education
Relating to admissions to and programs at The University of Texas at Dallas.

CO-AUTHORS OF SENATE BILL 35

On motion of Senator Harris and by unanimous consent, Senators Johnson and Edwards will be shown as Co-authors of **S.B. 35**.

GUESTS PRESENTED

Senator Edwards was recognized and presented Dr. Presley J. Mock, Jr., and his wife, Patricia, of La Porte.

The Senate welcomed Dr. Mock, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Truan (on behalf of Senator Parker) and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Education might consider **S.B. 35** upon adjournment today.

MEMORIAL RESOLUTION

S.R. 15 - By Montford: In memory of Ralph S. Krebs of Lubbock.

CONGRATULATORY RESOLUTIONS

H.C.R. 3 - (Ratliff): Recognizing the Ezekiel Airship as the first successful self-powered aircraft.

S.C.R. 6 - By Uribe: Extending congratulations to the Blue Dolphin Aquatic Club on its 22nd International Swim Meet.

S.C.R. 7 - By Caperton: Extending to the 93 present and former members of the Legislative Budget Board an expression of appreciation of the service rendered by the board's members during its first 40 years.

S.R. 10 - By Truan: Commending the Southwest Voter Registration Education Project for instilling hope and belief in the American democratic process in the hearts of millions of Mexican Americans.

S.R. 11 - By Henderson: Extending congratulations to John Monroig on achieving the rank of Eagle Scout.

S.R. 12 - By Henderson: Extending congratulations to Scott A. Buehler of Houston on achieving the rank of Eagle Scout.

S.R. 13 - By Green: Extending congratulations to the members of the Newton family on the happy occasion of their family reunion with best wishes for a most memorable and joyous celebration.

S.R. 14 - By Montford: Extending best wishes to the former students of Dunbar-Struggs High School for a most memorable reunion.

S.R. 16 - By Henderson: Extending congratulations to Michael C. Peabody of Houston on achieving the rank of Eagle Scout.

S.R. 17 - By Brown: Extending congratulations to David L. Engibous on the conclusion of a successful career in which he served as a key leader in a major company in one of the leading industries of our state.

S.R. 18 - By Uribe: Extending congratulations to the Blue Dolphin Aquatic Club on its 22nd International Swim Meet and for its encouragement and promotion of young swimmers.

S.R. 19 - By Sims: Recognizing participants in the Future Farmers of America, the University Interscholastic League and the School band from Grandfalls-Royalty High School.

S.R. 20 - By Barrientos: Extending congratulations to Mr. and Mrs. Martin Vega of Austin on their 25th wedding anniversary.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 5:10 p.m. adjourned until 10:00 a.m. tomorrow.

THIRD DAY (Friday, June 23, 1989)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.